

POWERS OF STATES TO FIX RATES

Supreme Court Decides That They May Establish Them on Railroads Within Their Borders

UNTIL SUCH TIME AS CONGRESS INTERVENES

Important Decision Handed Down in Minnesota Cases After Fourteen Months Consideration—Minnesota Laws Declared to be Confiscatory, However, in Case of Minneapolis and St. Louis Road—Similar Cases from Other States

Washington, June 9.—The power of the states to fix reasonable intrastate rates on interstate railroads, until such time as congress shall choose to regulate these rates, was upheld today by the supreme court of the United States in the Minnesota freight and passenger rate cases. At the same time the court laid down far-reaching principles governing the valuation of railroad property for rate-making purposes and, according to these, held that the state of Minnesota would confiscate the property of the Minneapolis and St. Louis Railroad company by its freight and two cent passenger fare laws.

Case Under Consideration 14 Months.

It enjoined the state from enforcing these laws, as to this road for the present. In the cases of the Northern Pacific and Great Northern, however, the court held that the rates were "unreasonable" or confiscatory and consequently reversed the action of the United States district court for Minnesota which had enjoined their enforcement as both confiscatory and a burden on interstate commerce.

Cases From Other States.

Rate cases from Missouri, Arkansas, Oregon, Kentucky and West Virginia were not decided today but the points announced in the Minnesota cases are regarded as governing them generally. These cases probably will be disposed of tomorrow when the court will hold another session as it will also do on Monday, June 16, the final day of adjournment for the term.

The Criticism of the Apportionment of Value between Interstate and Intrastate Business on a Gross Revenue Basis and the Apportionment of Expenses by Regulating Interstate Freight Business as Two and a Half Times as Expensive as Interstate Business was Regarded Here as Favorable to the State of Missouri in Its Fight to Uphold the Validity of the Maximum Freight and Two Cent Passenger Law Enacted by It.

Each Case to Rest on Its Own Bottom.

Similar criticism was inspired in advocates of the Arkansas state rate regulations but all recognize that the statements of the court in each case of alleged confiscation must rest on its own bottom might mean the setting aside of the Missouri and Arkansas laws. The states of Oregon and Kentucky, but that the Northern Pacific and Great Northern had failed in such proof.

Attorney General's View of It.

Washington, June 9.—Summarizing the decision of the supreme court of the United States in the Minnesota state rate case Attorney General McKenna tonight said: "The court holds that congress, in the interstate commerce act, has not deprived the states of the right of fixing maximum intrastate rates. They still have that power. In contesting a rate fixed by the state on the ground that the rate is confiscatory, the decision says that the burden of proof is on the state. The court found that the Minneapolis and St. Louis railroad had established that the rates affecting them were confiscatory, but that the Northern Pacific and Great Northern had failed in such proof."

REVENUE INCREASED BY UNDERWOOD BILL.

Income Tax, Is Claimed More Than Offset Loss of Tariff Revenue.

Washington, June 9.—A table prepared by the senate finance committee shows that the Underwood tariff bill and the present tariff law shows the average ad valorem rate in the proposed law to be 32.49 percent, as compared with 33.04 percent under the present law. The revenue under the proposed bill, exclusive of the income tax, is estimated at \$266,701,130 as compared with \$264,216,694 under the present law. The revenue under the proposed bill, exclusive of the income tax, is estimated at \$266,701,130 as compared with \$264,216,694 under the present law.

Considered in Two Parts.

Justice Hughes considered the attack upon the state rates in two parts, the one that placed an unlawful burden on interstate commerce and the other that the states were confiscating the property of the railroads.

In Closing the Interstate Commerce Phase, He Took It for Granted That the States Had the Power to Regulate Rates Between Points Within the State of Minnesota on Railroads Not Crossing State Lines and So Far from the Boundaries as Not to Compete with the Cities of Other States or Otherwise Affect Interstate Commerce.

An Intricate Question.

The most intricate question in this phase of the controversy was made by the justice in considering whether state rates on interstate commerce had such an indirect bearing on interstate commerce as to exclude the states from imposing them. He reached the conclusion that this was a well known field in which the states could exercise their authority until congress had seen fit to regulate the field exclusively. Finally he arrived at the conclusion that the states could fix rate-making legislation had expressly provided that the regulations should not extend to transportation wholly within a state.

The Sherman Law Is Held Constitutional.

Supreme Court Passes on the Criminal Phase of Statute.

Washington, June 9.—The constitutionality of the Sherman anti-trust law as a criminal statute was upheld today by the United States supreme court. The court set aside the sentences in the criminal suit against the "turpentine trust" on the ground that the trial judge had delivered an erroneous instruction to the jury but rejected the contention of the defendants that the "rule of reason" announced in the Standard Oil decision made the Sherman law as a criminal statute unconstitutional.

Congress May Intervene at Any Time.

In such case, congress must be the judge of the necessity of federal action. Its paramount authority always enables it to intervene at its discretion, for the complete and effective government of that which has been committed to its care and for this purpose and to this extent in response to a conviction of national need, to displace local laws by substituting laws of its own.

GLEE IN MINNESOTA.

State Will Collect Approximately \$3,000,000 from Railroads.

St. Paul, Minn., June 9.—State officials and others connected with the long drawn out Minnesota rate case tonight were elated over the decision of the United States supreme court.

and were unanimous in declaring it a great victory for the state.

As a result of the decision several railroads operating in Minnesota will pay into the state treasury approximately \$3,000,000 in the shape of overcharges.

The state legislature, taking cognizance of the injunction proceedings brought to restrain Minnesota from putting into effect merchant and commodity freight rates promulgated by the railroad and warehouse commission and approved by the two law-making bodies, passed a law requiring all roads to "keep books" covering all freight charges made and to file the same monthly with the state.

This was done to allow persons overcharged to collect the difference should the state win.

The reports filed by the railroad and warehouse commission have been receiving and filing them. They cover every shipment in the state since the date of the court's findings.

In order that shippers might not be hampered by annoying litigation, the 1909 legislature in arranging for reports covering freight shipments directed that when the case was settled and if in favor of the state that the money in controversy should be paid over to the state and returned to persons overcharged. In order to secure reimbursement applications for overcharges must be made within a year of the court's findings.

While this law covers only freight charges, it is claimed that the state is in a position to exact the difference between two and three cents for passengers if persons having paid such rates can produce receipts. When informed of the supreme court's decision, Governor Elbert Hubbard said:

"This is the best bit of news I have heard in a long time. It established what we have always contended: the right of the state to regulate within its confines."

James J. Hill refused to discuss the decision of the supreme court tonight.

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Cabled Paragraphs

Count Zeppelin Reaches Vienna.

Vienna, Austria, June 9.—Count Zeppelin arrived here today on board the dirigible airship Sachsen after a long trip from Baden-Baden, Germany.

Rembrandt Sells For \$200,000.

Paris, June 9.—Rembrandt's picture "Bathsheba" was bought today for \$200,000 by the duke of the collection of Baron Steingracht of The Hague.

Hon. George Wyndham Dead.

London, June 9.—The Right Honorable George Wyndham, who was chief secretary for Ireland, from 1900 to 1905 in Arthur J. Balfour's conservative cabinet, died today in Paris.

Complain of U. S. Officials.

Honolulu, June 9.—Resolutions adopted at a Japanese mass meeting held here tonight, ask the removal of United States immigration officials stationed here, accusing them of unfairness and unnecessary harshness in their dealings with Japanese returning from visits to Japan.

Suffragette Arson Squad Busy.

London, June 9.—The "arson squad" of the militant suffragettes have once more become very active. Beside the fire at the Hurst Park race course started last night, were the destruction of a boat house on the river Lea at Walthamstow, northeast of London and also the grandstand.

OPENING GAME TODAY FOR INTERNATIONAL CUP.

American and English Polo Teams Clash at Meadowbrook.

New York, June 9.—The most important event of the year in international polo will be the match between the American and English polo teams which will be played at Meadowbrook, I. L., tomorrow afternoon, when the American and English polo teams will clash on the field for the initial game of the sixth match for the international polo challenge cup. Play for this prize ranks second only to the races for the America's cup trophy.

Belgrade, June 9.—General Radomir Punic, chief of the general staff of the Serbian army, arrived here today by special train to attend the war council which will be held under the presidency of the king.

The Bulgarian reply to the Serbian note respecting a revision of the treaty of alliance, which it is believed will be in the negative, is expected at an early date. Preparations for war continue and the hospitals are being reopened.

WARNS SCHOOLBOYS AGAINST HYPOCRISY.

Pottstown, Pa., June 9.—Former President Theodore Roosevelt addressed the students of the Hill school here today, taking for his theme "Training in Good Citizenship." The address was given by the direction of the Civic club and is one of a series dedicated to the late Dr. John Meigs.

The crowd that greeted Colonel Roosevelt upon his arrival was so dense that special officers were detailed to escort him from the railroad station to the school.

Buffalo, N. Y., June 9.—Dissolution of the so-called Eastman Kodak trust was asked in a civil anti-trust suit filed here today by order of Attorney General McKenna. The government seeks the dissolution by receivership, if necessary, of the Eastman Kodak company of New Jersey and the Eastman Kodak company of New York, which are charged with monopolizing the photographic supply market in violation of the Sherman law.

It is the aim of the government to obtain a division of the assets and business of the two companies, controlling seventy-two per cent of the business in the United States, into such parts as will effectively destroy the alleged monopoly and restore full and free competition. The petition for equity asks for an injunction forbidding the fixing of re-sale prices of cameras, films and other patented photographic supplies. This marks the attorney general's first application of the recent decision of the United States supreme court denying patentees the right to fix re-sale prices.

Following are named as defendants: Eastman Kodak company of New Jersey, Eastman Kodak company of New York, George Eastman, Henry A. Strong, Walter S. Hubbard, Frank S. Noble, all of Rochester, N. Y.

RATHSKELLER AS AN AID TO VICE

Social Evil Considered at Convention of Police Chiefs.

Washington, June 9.—Discussion of the social evil and its suppression featured the first day's session of the International Association of Police Chiefs which began its annual convention here today. In his welcome address, President Richard Sylvester urged the members to do all in their power to aid the federal authorities in enforcing the federal laws.

The rathskeller, as it is conducted in many cities, was characterized by Maj. C. J. Kizer of Norfolk, Va., as the first step in the segregated districts of vice. He declared such places should be subject to stringent state and municipal laws and offered a resolution to name a committee to frame a model statute regulating them.

Steamers Reported by Wireless.

Siasconnet, Mass., June 9.—Steamer Pennsylvania, Hamburg for New York, signalled 340 miles east of Sandy Hook at noon. Dock 230 p. m. Tuesday.

Steamer Sant' Anna, Marseilles for New York, signalled 385 miles east of Sandy Hook at noon. Dock 5 p. m. Tuesday.

Steamer Oscar II, Copenhagen for New York, signalled, time and distance not given. Dock 130 p. m. Tuesday.

Cape Race, June 9.—Steamer Cymric, Liverpool for Boston, signalled 220 miles northeast at 11 a. m.

Newport, R. I., June 9.—Steamer Minnetonka, London for New York, signalled 192 miles east of Sandy Hook at 130 p. m. Dock at 8 a. m. Thursday.

New York, June 9.—Steamer Berlin, Genoa for New York, signalled 650 miles east of Sandy Hook at noon. Dock 8 a. m. Wednesday.

Steamship Arrivals.

Naples, June 5.—Arrived, steamers Louisiana, New York; Taormina, New York.

Southampton, June 9.—Arrived, steamer Main, Baltimore for Bremen.

Rotterdam, June 6.—Arrived, steamer Campanello, New York.

Glasgow, June 6.—Arrived, steamer Cameronia, New York; Parisian, Boston.

Naples, June 8.—Arrived, steamer Ivernia, New York.

Liverpool, June 9.—Arrived, steamer Tunisian, Montreal.

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Rev. James I. T. Coolidge, oldest living graduate of Harvard, is dying of pneumonia at Cambridge.

Slaves Prepare for War Again

SITUATION IN THE BALKANS GROWS WORSE.

BULGARIANS HOLD KEY

All Depends on Their Answer to Serbian Note—Bulgaria Believed to Be Lacking in the Sinews of War.

London, June 10.—With both sides stubbornly refusing to make the slightest concession war between the Balkan states is hourly becoming more imminent. If Bulgaria sends a negative reply to the Serbian note and nothing indicates that she will answer otherwise—Serbia and Greece will proclaim the annexation of the occupied Macedonian territories, thereby establishing a definite casus belli.

One Hopeful Feature.

The only hopeful feature of the situation consists in the belief that Bulgaria is lacking the sinews of war. Serbia and Greece are not only better situated in this respect but also occupy superior strategic positions. These facts probably account for the eagerness with which Serbia apparently regards the prospects of war.

PREPARING FOR WAR.

Hospitals Are Being Reopened in Anticipation of Hostilities.

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Condensed Telegrams

The Dwelling of Edward Stockwell in Bloomfield, Conn., was destroyed by fire yesterday. The loss is estimated at \$5,000.

Rear Admiral Robert E. Peary was yesterday made a grand officer of the Legion of Honor by President Poincaré of France.

Juan Manuel Diaz, an Alleged Huerta spy, was court-martialed at Colima, Mexico, yesterday and immediately shot to death.

An Even 100 Persons committed suicide in Maine the past year as shown by the annual report of the state registrar of vital statistics.

Charles Durant Hearst Elbert Hubbard Sage Maines, now an infant of Poughkeepsie, will get \$20,000 if he lives until he is 21 years old.

Capt. John S. Brewer, at one time champion wing shot of the world, was found dead yesterday in his lodging place in Hammondtown, N. J.

Hartley J. Howard Has Been discharged from the state police force by Supt. Thomas F. Egan "for the benefit and efficiency of the service."

Great Damage Was Done by a heavy frost at Binghamton, N. Y., Sunday night. Corn, beans, potatoes and tomatoes were cut to the ground.

Annie MacAntee, Six Years Old, of Philadelphia, died from inflammation of the stomach, caused by eating rubber from the center of a league baseball.

Fruit and Vegetable Growers throughout the Grand Rapids section of Michigan report considerable damage as the result of Sunday night's frost.

Miss Ellen Lamotte, Chief of the Baltimore tuberculosis nurses, has obtained leave of absence to leave for a year to join the militant suffragettes.

Over a Thousand Buffalo Teamsters, members of the newly organized teamsters' union, went on strike yesterday for an increase of wages averaging \$3 a week.

Mrs. Hannah Miller, 50 Years Old, wife of George Miller, of Lancaster, a Buffalo suburb, was shot and killed by an unknown man in her home yesterday. The man escaped.

Difficulty in Securing Enlistments for the army is becoming so grave that an appeal may be made to congress by the War Department to amend the existing enlistment laws.

The Comptroller of the Currency yesterday issued a call for a statement of the condition of all national banks of the United States at the close of business on Wednesday, June 4.

A Snow Squall Lasting Five Minutes and covering the ground with a thick, white mantle, was experienced at Westbrook, a suburb of Portland, Me., shortly before noon yesterday.

Producers in the United States were receiving for their staple crops 35 per cent less on June 9 than at the same time last year, 5.1 per cent less than in 1911 and 9.2 less than in 1910.

The Coldest Weather Ever Recorded during June in the Middle Atlantic and New England states, the Ohio valley and the Great Lakes region was reported yesterday to the weather bureau.

Snow Fall for a Short Time on the streets of Montreal yesterday while the temperature ranged from 37 degrees in positions exposed to the cold wind prevailing, to 55 in the sheltered spots.

The Boston Express on the New Haven road, westbound, met with a slight accident near the Washington street viaduct at South Norwalk yesterday afternoon at 4:40 o'clock and was derailed on the main line was held up for two hours.

Women's Feet Are All Wrong, and they've got to be corrected, in the opinion of the Young Woman's Christian association of LaCrosse, Wis., and Miss Amanda Clement, physical director of that institution, has started out to do the job.

Nathaniel Green, a Negro who criminally assaulted a white woman at Washington, Christmas night, went to his death on the scaffold yesterday, the first man to pay the death penalty for such a crime in the District of Columbia.